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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2012-130*

11 **CARIN GALE HANRATTY aka CARIN**  
12 **GALE DUSSLER**

**A C C U S A T I O N**

13 **2317 Forester Circle, Apt. 1201**  
14 **Arlington, Texas 76006**

15 **Registered Nurse License No. 279256**

16 **Respondent.**

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about July 31, 1977, the Board of Registered Nursing issued Registered Nurse  
23 License Number 279256 to Carin Gale Hanratty aka Carin Gale Dussler ("Respondent"). The  
24 Registered Nurse license expired on January 31, 2009 and has not been renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
27 Department of Consumer Affairs, under the authority of the following laws:  
28

1           4.    Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
2 part, that the Board may discipline any licensee, including a licensee holding a temporary or  
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
4 Nursing Practice Act.

5           5.    Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
7 licensee or to render a decision imposing discipline on the license. Under Code section 2811,  
8 subdivision (b), the Board may renew an expired license at any time within eight years after the  
9 expiration.

10          6.    Section 118 subdivision (b) of the Code also grants the Board jurisdiction over  
11 suspended, expired, forfeited, cancelled, or surrendered licenses:

12               "The suspension, expiration, or forfeiture by operation of law of a license issued by a  
13 board in the department, or its suspension, forfeiture, or cancellation by order of the  
14 board or by order of a court of law, or its surrender without the written consent of the  
15 board, shall not, during any period in which it may be renewed, restored, reissued, or  
16 reinstated, deprive the board of its authority to institute or continue a disciplinary  
proceeding against the licensee upon any ground provided by law or to enter an order  
suspending or revoking the license or otherwise taking disciplinary action against the  
licensee on any such ground."

17          7.    Section 2761 of the Code, which is part of Article 3 of the Nursing Practice Act,  
18 provides, in pertinent part:

19               "The board may take disciplinary action against a certified or licensed  
20 nurse or deny an application for a certificate or license for any of the following:

21               "(a) Unprofessional conduct, which includes, but is not limited to, the  
22 following:

23               ...

24               "(4) Denial of licensure, revocation, suspension, restriction, or any other  
25 disciplinary action against a health care professional license or certificate by another  
state or territory of the United States, by any other government agency, or by another  
California health care professional licensing board. A certified copy of the decision  
or judgment shall be conclusive evidence of that action...."

#### 26                               COST RECOVERY

27          8.    Section 125.3 of the Code provides, in pertinent part, that the Board, Registrar, or  
28 Director may request the administrative law judge to direct a licensee found to have committed a

1 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
2 investigation and enforcement of the case.

3 **CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Texas State Board of Nursing)**

5 9. Respondent is subject to disciplinary action under Section 2761 subdivision (a)(4) of  
6 the Code because the Texas Board of Nursing ("Texas Board") disciplined her license to practice  
7 nursing in Texas by placing it on probation in 2008. The circumstances of the Texas Board's  
8 disciplinary action are as follows:

9 10. On or about December 2008, Respondent signed a stipulation, called an "Agreed  
10 Order," with the Texas Board under which the Texas Board made findings of fact, reached  
11 conclusions of law and issued an order in the disciplinary matter entitled, *In the Matter of*  
12 *Registered Nurse License Number 460014 issued to Carin Gale Hanratty*.

13 11. In the December 2008 Agreed Order, the Texas Board found and Respondent  
14 admitted that Respondent had violated Texas nursing statutes by violating a 2006 agreement with  
15 the Board to refrain from the use of certain controlled substances, as follows:

- 16 a. In 2006, Respondent entered into an Agreed Order with the Texas Board in which  
17 she admitted she may have lacked fitness to practice professional nursing because  
18 she excessively used pain medication from 2004 to 2005. In that order, Respondent  
19 admitted she had a dependency on pain medication and that this dependency risked  
20 impairing her nursing care, making her a danger to the public. As a result, in that  
21 agreement, she agreed to participate in a peer assistance substance abuse program  
22 and to comply with that program's terms.
- 23 b. On or about June 27, 2006, while employed as a nurse in Lancaster, Texas,  
24 Respondent tested positive on a drug screening for Butalbital, a barbiturate pain  
25 medication.
- 26 c. On or about July 11, 2006, while employed as a registered nurse, Respondent again  
27 tested positive on a drug screening for Butalbital.
- 28

1 d. On or about September 28, 2006, while employed as a registered nurse, Respondent  
2 again tested positive on a drug screening for Butalbital.

3 e. These three positive drug tests violated the terms of her peer assistance program and  
4 the 2006 Agreed Order.

5 12. Based on Respondent's substance abuse problem, in its December 2008 disciplinary  
6 action the Texas Board disciplined her by placing her license on stayed suspension and two years'  
7 probation. It also required her to complete coursework in nursing jurisprudence and ethics, pay a  
8 \$500 fine, practice under direct supervision, notify her employers of her probation, refrain from  
9 administering or having any contract with certain synthetic opiate pain medications, abstain from  
10 the consumption of these medications or alcohol, and submit to random drug testing.

11 13. Under Section 2761 subdivision (a)(4) of the Code, the stayed suspension and  
12 placement on probation of Respondent's Texas nursing license by the Texas Board are grounds  
13 for the California Board to take disciplinary action.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 279256, issued to Carin  
18 Gale Hanratty aka Carin Gale Dussler;

19 2. Ordering Carin Gale Hanratty aka Carin Gale Dussler to pay the Board of Registered  
20 Nursing the reasonable costs of the investigation and enforcement of this case; pursuant to  
21 Business and Professions Code Section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: August 24, 2011 Louise R. Bailey  
24 LOUISE R. BAILEY, M.ED., R.N.  
25 Executive Officer  
26 Board of Registered Nursing  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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